

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CHERYL C. SHIVELEY,	:	Case No. 1:13-cv-00788
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
v.	:	
	:	
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY:**

**(1) ADOPTING AND SUPPLEMENTING THE REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE  
(DOC. 15);**

**(2) REMANDING THE MATTER FOR CALCULATION OF AN AWARD OF  
BENEFITS UNDER 42 U.S.C. § 405(g); AND**

**(3) TERMINATING THIS CASE FROM THE DOCKET OF THIS COURT**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on December 22, 2014, submitted a Report and Recommendation recommending that the finding of the ALJ be reversed and the matter remanded for a calculation of Disability Insurance Benefits (Doc. 15). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety.

Further, consistent with the administrative record (see Tr. 160-161, 533-542, 543-546, 560-564, 565-566 ), the Magistrate Judge reports that Plaintiff filed applications for disability insurance benefits (DIB) *and* supplemental security income (SSI) (doc. 15 at 1). Her recommendation, however, makes reference only to the Commissioner's decision regarding DIB (see Doc. 15 at 27). The Court presumes the omission with respect to SSI is an oversight because the same analysis applies to SSI as to DIB. Accordingly, this matter is reversed and remanded for a calculation of both SSI and DIB benefits.

Accordingly:

1. The Report and Recommendation (Doc. 15) is **ADOPTED AND SUPPLEMENTED**;
2. The decision of the Commissioner to deny Plaintiff benefits is **REVERSED** and this matter is **REMANDED** for calculation of an award of DIB and SSI benefits under sentence four of 42 U.S.C. § 405(g) based on a presumed disability onset date of August 1, 2009 or, alternatively, on a date to be determined on remand that is not later than August 4, 2010; and
3. The Clerk shall enter judgment accordingly, and this case is **TERMINATED** on the docket of this Court.

**IT IS SO ORDERED.**

Dated: 1/20/15

s/ Timothy S. Black  
Timothy S. Black  
United States District Judge